To Quin Shea from Harold Weisberg, PA request 4/19/80
Civil Division

Attached is the 4/14/80 letter in which the Civil Division still avoids compliance with my request. I appeal the continued withholdings. You are aware of some of these from my prior appeals on which you have not acted.

This letter begins by stating it is processing my PA request. It does not state when I made this request, which is three years ago, or that the division has not responded to my subsequent communications, which specified the existence of records not provided. It does not state that there are additional records or whether they will be provided.

If I interpret the Philadelphia-style letter it says that the Army referred the enclosed records to the Civil Division. It does not state whether these are all the Army's pertinent records, which they are not, or whether there are other, similar records, which there are. Naturally, it does not state when the Army made the referral. That was hardly within recent days.

These records pertain to the suits my wife and I filed against the Government for the ruin of our farming by tresspassing Government helicopters and from sonic booms. In being reminded of this I am reminded of the fact that other Department components ought have records not provided. For example, in the first suit, although we were not informed of it contemporaneously, the Department asked for additional time in which to consider filing an appeal, which then was not filed. I recall no such documents. When the first suit was not appealed it was cited as precedent in other such cases and I recall no pertinent records being provided.

The Civil Division itself has records not provided. No reference is made to them or to any search for them or to any claim to exemption.

All other branches of the military were involved in the litigation, which the Army handled for all of them. None of these records have been provided, although all have records similar to those provided from the Army. The White House also was involved.

While I have not yet read the enclosed records word for word, they do not appear to be all the records th Army provided to the Civil Division. You may recall that I

informed you of the discovery materials in the second case. For some reason I was not provided with copies of them. I was merely permitted to read them. However, they included records the Civil Division has and has not provided. (Perhaps they are filed in the Baltimore USA's office, I do not know, but there has been no compliance from it.)

The FBI conducted an investigation for the Civil Division. It has not provided any copies of any such records, from its files, those of the USA or any other source.

Because the litigation itself was of historical importance, having set a precedent, and because the precedent also was ecological, there is more than the usual interest in copies of my communications in this matter and in any indication they or other records hold pertaining to what was or was not done with them. This interest is increased by the fact that the Civil Division also handled my FOIA litigation, which also involves precedent.

This matter is now three years old. My first appeal was timely. It has been quite a long time since you said you would provide priority treatment. I provided much more information that was required for a good-faith search, that also quite long ago. Can you now see to it, please, that the matter is handled promptly, and that this stonewalling finally ends with full compliance?